

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

\* \* \*

THOMAS L. LASKA,

Plaintiff,

v.

CAROLYN W. COLVIN,

Defendant.

Case No. 2:13-cv-0800-APG-PAL

**Order Accepting Report and  
Recommendation and Remanding Case**

(Dkt. ## 17, 19, 24)

On April 21, 2015, Magistrate Judge Leen entered her Report of Findings and Recommendation (Dkt. #24) recommending that Plaintiff's Motion for Reversal or Remand (Dkt. #17) and Defendant's Cross-Motion to Affirm (Dkt. #19) each be granted in part and denied in part. Specifically, Judge Leen recommended that the Commissioner's final decision should be remanded for further proceedings consistent with the terms set forth in that Report and Recommendation.

Pursuant to Local Rule IB 3-2, any objection to Judge Leen's Report of Findings and Recommendation had to be filed in writing with the Clerk of the Court within fourteen (14) days. No objection was filed. The Supreme Court of the United States has held that courts may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that failure to file objections within the specified time, and failure to properly address and brief the objectionable issues, waives the right to appeal the district court's order and to appeal factual issues from the order. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

There being no objection to Judge Leen's Report of Findings and Recommendation,

IT IS HEREBY ORDERED that Judge Leen's Report of Findings and Recommendation (Dkt. #24) is **accepted**, Plaintiff's Motion for Reversal or Remand (Dkt. #17) is **GRANTED IN PART AND DENIED IN PART**, Defendant's Cross-Motion to Affirm (Dkt. #19) is **GRANTED**

1 **IN PART AND DENIED IN PART**, and this case is **REMANDED** for further proceedings  
2 consistent with Judge Leen's Report of Findings and Recommendation.

3 Dated: September 15, 2015.

4   
5 \_\_\_\_\_  
6 ANDREW P. GORDON  
7 UNITED STATES DISTRICT JUDGE  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28